



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in the Lok Sabha on 14th August, 2006:—

### BILL NO. 34 OF 2006

*A Bill to provide for the promotion of self-employment among educated unemployed youth and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Promotion of Self-Employment Act, 2006.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "educated" means any person who has passed higher secondary examination from a recognized institution;

Appropriate Government to nominate Self-Employment Officers in every district.

Youth to apply to Self-Employment Officers for self-employment.

Functions of the Self-Employment Officer.

Duty of the Self-Employment Officer to ensure self-employment within a time frame.

Educated youth to be paid compensation in case of non-implementation of the Act.

Power to make rules.

- (c) "prescribed" means prescribed by rules made under this Act;
- (d) "self-employment" means providing the educated unemployed youth their primary source of income through assistance for setting up manufacturing, trading or processing units or service centres; and
- (e) "youth" means any person who has completed the age of eighteen years but has not completed the age of thirty-five years.

**3. (1) The appropriate Government shall nominate an officer not below the rank of District Magistrate as Self-Employment Officer in every district.**

**(2) The appropriate Government shall make available necessary officers and staff to assist Self-Employment Officer.**

**4. (1) Any educated youth either individually or in a group, may apply, in a prescribed application form, to the Self-Employment Officer, for self-employment.**

**(2) The Self-Employment Officer shall scrutinize the application for self-employment and advise the youth/group of youth regarding type of units for self-employment, he/they might set up depending on his/their qualification and other factors.**

**(3) Once the youth/group of youth have conveyed their decision for setting up the unit for self-employment, the Self-Employment Officer shall render them full assistance in setting up unit for self-employment.**

**5. The Self-Employment Officer shall be responsible for implementing the provisions of this Act and shall perform the following functions:—**

- (a) to coordinate with commercial banks for the purpose of providing loans to the youth/group of youth for self-employment;
- (b) to coordinate with local civic agencies for the purpose of providing electricity/water connection, land acquisition and fulfilling other requirements; and
- (c) to provide all other assistance required for setting up self-employment units.

**6. It shall be the duty of the Self-Employment Officer to ensure that educated youth are provided with self-employment within a time frame to be prescribed by the Central Government.**

**7. The appropriate Government shall provide such amount of compensation as may be prescribed to every eligible educated youth who has applied for but not been provided with self-employment within the time frame prescribed under the Act.**

**8. The Central Government may, by notification in the official gazette, make rules for carrying out the provisions of this Act.**

#### STATEMENT OF OBJECTS AND REASONS

The country has huge number of unemployed persons. The total number of unemployed persons has reached almost thirty million. These youth are educated and full of energy. If their talent is harnessed properly with some assistance from the Government, they can be gainfully employed and will also contribute to the growth of the economy of the country. Moreover, with the liberalization policy of the Government, the job opportunities in the Government sector have come down. Therefore, it is earnestly required that policy of self-employment be encouraged. If the youth of today are provided with self-employment, it will not only help to exterminate the frustration brewing within them but will go a long way in harnessing their energy for the development of the nation.

Promotion of self-employment among youth will also result in increase in the production of indigenous goods thus reducing our dependence on imports.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*March 6, 2006.*

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that suitable number of officers and staff shall be provided to the Self-Employment Officers to implement the provisions of this Act. Clause 7 of the Bill provides that prescribed compensation shall be paid to such uneducated youth as have not been provided with self-employment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees two thousand crore would be involved by way of expenditure in respect of Union territories and grants to State Governments.

A non-recurring expenditure of rupees one thousand crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 36 OF 2006

*A Bill to provide for the setting up of a National Commission for exploitation of natural resources for the economic development of the country and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the National Commission for Exploitation of Natural Resources Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this act, unless the context otherwise requires,—

(a) "natural resources" means any naturally occurring material, which, after processing, can be used in commercial or industrial activities and includes all minerals including gold, diamond, platinum or herbs of medicinal value and fossil fuels; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall set up a National Commission for the exploitation of natural resources, hereinafter to be referred to as the National Commission.

(2) The National Commission shall consist of—

(i) a Chairman, who shall be a qualified geologist, to be appointed by the Central Government; and

(ii) seven other Members, who shall be experts in the fields of environment, wild life, mineralogy, medicinal herbs, fossil fuels and water resources, who shall be nominated by the Central Government.

(3) The terms and conditions of service and salaries and allowances of Chairman and other members of the National Commission shall be such as may be prescribed.

4. (1) Each State Government and Union territory administration shall set up a Commission for the exploitation of natural resources, hereinafter to be referred to as the State Commission or the Union territory Commission, as the case may be.

(2) The State Commission or the Union territory Commission shall consist of a Chairman and nine other Members, who shall be experts in the fields of geology, environment, wild life, mineralogy, medicinal herbs, fossil fuels and water resources.

(3) The terms and conditions of service and salaries and allowances of Chairman and other members of the State Commission or the Union territory Commission shall be such as may be prescribed.

5. The National Commission shall perform the following functions, namely:—

(i) co-ordinate the functioning of the State Commissions and Union territory Commissions;

(ii) verify and confirm the findings of State Commissions and Union territory Commissions by deputing experts to the States or the Union territories, as the case may be;

(iii) recommend to the Central or the State Government or the Union territory administration, as the case may be, to set up industries or other methods to be adopted for exploitation of natural resources;

(iv) recommend to the Central Government regarding methods to be adopted for the conservation of natural resources;

(v) report to the Central Government about the effects of exploitation of natural resources on environment; and

(vi) any other function that may be assigned to it by the Central Government.

6. The State Commission and the Union territory Commission shall perform the following functions:

(i) exploration and identification of the area where natural resource in exploitable quantity are likely to be found;

(ii) communication of the fact of existence of natural resource in any part of the State or the Union territory to the National Commission; and

(iii) any other function that may be assigned to it by the respective State Government or the Union territory administration.

National  
Commission  
for Exploita-  
tion of  
Natural  
Resources.

State  
Commission  
and Union  
territory  
Commission  
for Exploita-  
tion of  
Natural  
Resources.

Functions of  
the National  
Commission.

Functions of  
the State  
Commission  
and Union  
territory  
Commission.

National Commission to act on the communication sent by a State Commission or a Union territory Commission.

Central Government to take steps to implement the recommendations of the National Commission.

Duty of the Central Government to ensure optimum exploitation of natural resources.

Power to make rules.

**7. (1) The National Commission shall, on receipt of communication under section 6 from a State Commission or a Union territory Commission, immediately depute a team of experts for verification, confirmation and further investigation of the findings of the State Commission or the Union territory Commission, as the case may be.**

**(2) The team of experts shall submit their report to the National Commission as soon as possible but not later than six months from the date of receipt of the communication sent by the State Commission or the Union territory Commission, as the case may be.**

**(3) The National Commission shall make its recommendations on the basis of report of the team of experts and the communication of the State Commission or the Union territory Commission to the Central Government regarding setting up of industries or other methods to be adopted for exploitation of natural resources in the area.**

**8. The Central Government, on receipt of recommendation under section 7, shall take steps for setting up of industry or other means of exploitation of natural resources on its own or shall extend full financial assistance to the State Governments or the Union territory administrations for the same.**

**9. It shall be the duty of the Central Government to ensure that all natural resources are properly and fully exploited so as to result in maximum benefit to the country.**

**10. The Central Government may, by notification in the official gazette, make rules for carrying out the provisions of this Act.**

#### STATEMENT OF OBJECTS AND REASONS

Our country has no dearth of natural resources. Almost all resources crucial for economic development are found in sufficient quantities in our country. But the problem lies in their proper exploration and then exploitation. We have to import several items at considerable cost when they could be easily manufactured indigenously. We lag far behind in the areas of mineral exploration and the techniques used in mining are obsolete which results in waste of valuable resources. If all available resources are fully and properly exploited, India will become an economic power.

With this object, it is proposed to set up a National Commission for proper and full utilization of natural resources available in the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*March 2, 2006.*

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of the National Commission for the exploitation of Natural Resources. Clause 4 provides for the setting up of State Commissions and Union territory Commissions. Clause 7 provides that the National Commission shall depute team of experts to the States for verification/confirmation of the report submitted by the State Commission. Clauses 8 and 9 provide that the Central Government shall take all steps to ensure that natural resources in the country are fully and properly exploited and shall provide financial assistance to the States so that their resources are properly developed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees ten thousand crore would be involved.

A non-recurring expenditure of rupees fifty thousand crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 37 OF 2006

*A Bill to provide for compulsory treatment and rehabilitation of AIDS patients and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Rights of Persons Suffering from Acquired Immuno Deficiency Syndrome Act, 2006.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "AIDS" means Acquired Immuno Deficiency Syndrome in a person resulting from HIV infection;

(b) "HIV" means Human Immuno Deficiency Virus;

102 of 1956.

(c) "HIV infection" means the presence in the body of a person of HIV antibodies or antigens detected on the basis of clinical tests;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "registered medical practitioner" means a medical practitioner who possesses any recognized medical qualification as defined in clause (h) of section 2 of Indian Medical Council Act, 1956 and whose name has been entered in a State Medical Register;

(f) "test" means a serological procedure followed for detection of HIV antibodies or antigens in the body of a person.

3. (1) Every registered medical practitioner shall be responsible for providing medical treatment with available facilities to every such person who has been diagnosed with HIV infection and approaches him for medical treatment.

Compulsory treatment of HIV patients.

(2) If any registered medical practitioner denies medical treatment to a person infected with HIV infection, the registration of such medical practitioner shall be cancelled forthwith:

Provided that a registered medical practitioner may not entertain a person for medical treatment if such person is suffering from full blown AIDS and has reached an advance stage of his ailment which requires immediate hospitalisation for treatment of his ailment.

4. No person including a registered medical practitioner or his assistant or attendant shall disclose or pass on any information concerning the result of HIV test or immune function test or HIV antibodies status of a person without his consent to any other person unless it becomes necessary to prevent the transmission of HIV infection among other persons and rehabilitation of such victims.

Non-disclosure of HIV status of a person to another person.

5. Any person who violates the provision of the Act shall be punished with imprisonment for a term which shall not be less than one year or with fine which shall not be less than rupees one lakh or with both.

Punishment.

6. The provisions of this Act, or the rules made thereunder shall be in addition to and not in derogation of any other law for the time being in force or any rules, orders or any instructions issued thereunder, for the welfare of persons infected with HIV/AIDS.

Provisions of the Act to be in addition to and not in derogation of any other law.

7. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

In the recent years, India has witnessed a sharp increase in the estimated number of persons with HIV infections from a few thousand in the early 1990s to around 5.1 million in 2003. The spread of HIV within the country is as diverse as the societal pattern between its different regions, States and metropolitan areas. In fact, HIV/AIDS is one of the most challenging public health problems ever faced by the country.

In India, as elsewhere, AIDS is perceived as a disease of persons living on the margins of society, whose lifestyles are considered perverted and sinful. Discrimination, stigmatisation and denial are the outcome of such values, affecting life in families, communities, workplaces, schools and health care settings. Because of HIV/AIDS related discrimination, appropriate policies and models of good practice remain underdeveloped and people living with AIDS continue to be burdened by poor health care and inadequate services. The health care sector has generally been the most conspicuous context for HIV/AIDS related discrimination, stigma and denial. Negative attitudes from health care staff have generated anxiety and fear among many people living with HIV and AIDS. It is said that there is an almost hysterical kind of fear at all levels, starting from the humblest, the sweeper or the ward boy, upto the heads of departments, which make them pathologically scared of having to deal with an HIV patient. Wherever they have an HIV patient, the responses are shameful. In this way these persons are stigmatised and treated as socially boycotted group.

In this situation, it is necessary to make it compulsory for a registered medical practitioner to treat a person with HIV without any discrimination.

The information concerning the HIV positive status of affected persons be maintained in a confidential manner and may not be disclosed without his prior consent to any other person so that they may not face any discrimination in the society. It is high time that the Government should come forward with a comprehensive policy to combat rapidly spreading disease like AIDS and to safeguard the rights of the persons infected with HIV/AIDS and for their proper rehabilitation.

Hence this Bill.

NEW DELHI;  
*March 2, 2006.*

CHANDRAKANT KHAIRE

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of details only. As such the delegation of legislative power is of a normal character.

## BILL NO. 35 OF 2006

*A Bill to provide for welfare measures for the girl child and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Girl Child (Welfare) Act, 2006.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "girl child" means a girl who has not completed the age of eighteen years;

(b) "Fund" means the Girl Child Welfare Fund constituted under section 15 of this Act;

(c) "prescribed" means prescribed by rules made under the Act; and

(d) "scheme" means the Girl Child Welfare Scheme formulated under section 3 of this Act.

Central Government to formulate scheme for the welfare of girl child.

**3. (1) The Central Government shall formulate a scheme to be known as the Girl Child Welfare Scheme for the welfare of girl child.**

**(2) The scheme shall, *inter-alia*, provide for:—**

**(i) free education in all courses including technical and professional courses to a girl child if she is the only child of her parents;**

**(ii) free education to two girl children upto senior secondary school level if the parents have two girl children;**

**(iii) scholarship of an amount not exceeding rupees three thousand per month to every girl child pursuing any professional or technical course;**

**(iv) free health care for all girl children;**

**(v) a fixed deposit of rupees two lakh in the name of every girl child at the time of birth for a period of eighteen years;**

**(vi) an insurance scheme for the girl child; and**

**(vii) provision of financial assistance to such families as have girl children at the time of marriage of such children on attaining the age of marriage.**

**4. The scheme shall be implemented by the State Governments and Union territory administrations in their respective jurisdictions.**

State/Union territory Governments to implement the Scheme in their respective jurisdictions.

Girl Child Welfare Fund.

**5. (1) The Central Government shall set up a fund to be known as the Girl Child Welfare Fund for the implementation of the provisions of this Act.**

**(2) The Central Government and State Governments shall contribute to the fund in such proportion as may be prescribed.**

**(3) Such other sums as may be received by way of donation, contribution or assistance or otherwise by the Central Government or the State Governments shall also be credited to the fund.**

**6. The provisions of this Act shall apply only to those families not having more than two girl children.**

Act to apply only to those families having two girl children.

Act to have overriding effect.

**7. The provisions of this Act shall take effect notwithstanding anything contained in any other law for the time being in force regarding welfare of girl children.**

State/Union Territory Governments to forward information regarding girl children.

**8. (1) Every State Government or Union territory administration, as the case may be, shall forward detailed information regarding number of girl children, families having more than one girl child, the amount required for assistance and such other information as may be prescribed to the Central Government.**

**(2) On receipt of information, the Central Government shall release necessary funds to the State Government for the welfare of girl children.**

**9. The Central Government shall lay before each House of Parliament, an annual report giving full account of implementation of provisions of the Act.**

Laying of Annual Report.

Power to make rules.

**10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.**

#### STATEMENT OF OBJECTS AND REASONS

The dwindling sex ratio is one of the major problems facing the society and the nation as a whole. In some States, it has taken the proportion of a crisis. Female infanticide has become common in many parts of the country. There have been instances when, after birth, girl children were killed by her own parents. The main reason for such actions is that in our society the parents of a girl child have to spend a lot of money on her marriage. Majority of the population lives below poverty line and as such they are not in a position to spend a lot of money on marriages. This has given rise to this social problem.

Though many steps have been taken to prevent female infanticide, yet it has not stopped completely as it is done discreetly with the help of greedy medical practitioners.

Therefore, it is felt that giving incentives to the families of girl children may be a better way out for the welfare of girl child and to prevent the occurrence of female infanticide.

Hence this Bill.

NEW DELHI;  
*March 2, 2006*

CHANDRAKANT KHAIRE

#### FINANCIAL MEMORANDUM

Clause 3 of the Bill envisages formulation of a scheme to be known as Girl Child Welfare Scheme for the welfare of girl child. Clause 5 provides for setting up of a fund to be known as the Girl Child Welfare Fund for the welfare of girl children. Clause 8 of the Bill provides that the Central Government shall release funds to the State/Union territories Governments for taking welfare measures for girl child. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees five thousand crore per annum is likely to be involved.

A non-recurring expenditure of about rupees ten thousand crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Government to frame rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL No. 4 OF 2006***A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2006.

Amendment of article 117.

2. In article 117 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

"(1) A Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 110 shall not be introduced in the Council of States.";

(ii) Clauses (2) and (3) shall be omitted.

Amendment of article 207.

3. In article 207 of the Constitution,—

Amendment of article 207.

(i) for clause (1) the following article shall be substituted, namely:—

"(1) A Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of article 199 shall not be introduced in a Legislative Council:

(ii) Clauses (2) and (3) shall be omitted."

Omission of article 274.

4. Article 274 of the Constitution shall be omitted.

#### STATEMENT OF OBJECTS AND REASONS

Parliamentary form of democracy is the best form of democracy. Here will of the people should prevail. Peoples' representatives should have a final say in all matters of the nation.

But certain legislative measures, requires prior sanction of the President for their introduction/discussion in the Legislatures. These provisions, though technical in nature sometimes act as an hurdle in piloting important legislations.

Perhaps the logic behind these provisions was that controversial and draconian laws should not be allowed to be passed with brute majority of the Government. But, there is an absolute change in the political set up in the country. People have more political awareness than ever.

In the changed circumstances these provisions are no more required to be in statute. Hence amendment to the Constitution. But the provision regarding bar of introduction of Money Bill/Financial Bill in upper House of a Legislature has been kept intact.

NEW DELHI;  
*December 13, 2005*

ANANDRAO VITHOBA ADSUL

P. D. T. ACHARY,  
*Secretary-General.*